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PART
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getting more money into an incumbent's campaign, because this amendment does favor incumbents. For all those reasons, Mr. President, I hope the Senate will not adopt this amendment, because I think if we open up the flood gates and say this committee ought to go from \$5,000 to \$20,000, we will have a very difficult time in saying that State committees, county committees, and other committees ought not to be able to do that. Then we will not have a \$5,000 limitation on committees, but a \$20,000 limitation. After all, how does one justify increasing from \$5,000 to \$20,000 for national committees and not State committees?

Mr. JOHNSTON. Mr. President, will the Senator yield at that point so that I may ask for the yeas and nays?

Mr. CLARK. Yes.

Mr. JOHNSTON. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore (Mr. HANSEN). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. JOHNSTON. I thank the Senator.

Mr. CLARK. Mr. President, I am prepared to yield back the remainder of my time.

Mr. JOHNSTON. I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Louisiana (Mr. JOHNSTON). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Idaho (Mr. CHURCH), the Senator from Indiana (Mr. HARTKE), and the Senator from Washington (Mr. JACKSON) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from North Carolina (Mr. HELMS) and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

I further announce that the Senator from Vermont (Mr. STAFFORD) is absent due to illness.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote "yea."

The result was announced—yeas 64, nays 30, as follows:

[Rollcall Vote No. 85 Leg.]

YEAS—64

Baker	Griffin	Pastore
Bartlett	Hansen	Pell
Bayh	Haskell	Percy
Belmont	Hatfield	Proxmire
Bentsen	Hathaway	Randolph
Buckley	Hruska	Ribicoff
Byrd, Robert C.	Huddleston	Schweiker
Cannon	Humphrey	Scott, Hugh
Case	Inouye	Scott,
Cranston	Johnston	William L.
Curtis	Laxalt	Sparkman
Dole	Leahy	Stennis
Domenici	Long	Stevens
Eagleton	Magnuson	Symington
Eastland	Mansfield	Taft
Fannin	McClellan	Talmadge
Fong	McClure	Thurmond
Ford	McGee	Tower
Garn	Montoya	Tunney
Glenn	Muskie	Welcker
Goldwater	Nelson	Williams
Gravel	Packwood	

NAYS—30

Abourezk	Clark	Metcalf
Allen	Culver	Mondale
Beall	Durkin	Morgan
Biden	Hart, Gary	Moss
Brock	Hart, Philip A.	Nunn
Brooke	Hollings	Pearson
Bumpers	Javits	Roth
Burdick	Kennedy	Stevenson
Byrd,	Mathias	Stone
Harry F., Jr.	McGovern	
Chiles	McIntyre	

NOT VOTING—6

Church	Helms	Stafford
Hartke	Jackson	Young

So Mr. JOHNSTON's amendment was agreed to.

Mr. CANNON. The President, I move to reconsider the vote by which the amendment was agreed to.

Mr. TAFT. I move to lay that on the table.

The motion to lay on the table was agreed to.

Mr. TAFT. Mr. President, I send to the desk an amendment to the pending substitute by Mr. GRIFFIN.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk proceeded to read the amendment.

Mr. TAFT. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 1, in subsection (c) (1) after the word "ballot", add the following: "or certifies to the Commission that he will not be an active candidate in the primary".

At the end of subsection (c) (1) add the following new sentence: "The provisions of this section shall apply as of the date of enactment."

Mr. TAFT. This is an amendment that had already passed on the first Griffin substitute and on the bill itself. I am attempting now to put it into the second Griffin substitute. As the Members of the Senate who were here will recall, the amendment relates to a limitation on the payout share to the Presidential candidates. It eliminates candidates who, for two consecutive primaries, have under 10 percent of the vote in those primaries, with the provision that Senator BAYH asked to be included, to the effect that if a candidate wishes to certify that he is not an active candidate, this will not count against him in that primary so far as elimination is concerned. I know of no objection to it. It went through by a voice vote originally.

Mr. CANNON. Mr. President, do I understand correctly that this is the same amendment to decertify Presidential candidates provided that they do not get a certain percent of the votes in the primary, and this is the amendment that was offered before to S. 3065 and also to the previous Griffin substitute?

Mr. TAFT. The Senator is entirely correct.

Mr. CANNON. Mr. President, I am willing to accept the amendment. I think it is a good amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CRANSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. CRANSTON. Certainly.

MODIFICATION OF ORDER TO REPORT SENATE RESOLUTION 400

Mr. MANSFIELD. If I may have the attention of the Senate, I ask unanimous consent that the order of the Senate mandating the Senate Rules Committee to report Senate Resolution 400 establishing a Standing Committee on Intelligence Activities on March 20, 1976, be modified as follows:

Senate Resolution 400 be reported forthwith from the Committee on Rules and immediately be referred simultaneously to the Committee on the Judiciary and to the Committee on Rules;

That the Committee on the Judiciary make its recommendations on Senate Resolution 400 not later than the close of business on March 29, 1976 and that the recommendations of the Committee on the Judiciary be referred without further action by the Senate to the Committee on Rules; and

That the Rules Committee report its final recommendations not later than April 5, 1976.

Mr. JAVITS. Mr. President, may I inquire—

Mr. MANSFIELD. This has been cleared.

Mr. JAVITS. Mr. President, I just wanted to know that, because I happen to be the only ranking member of the Committee on Government Operations here.

Mr. MANSFIELD. I looked for the Senator, but he was not available. He was in a hearing.

Mr. JAVITS. I understand.

Mr. MANSFIELD. I cleared it with Senators CANNON, HATFIELD, EASTLAND, TUNNEY, HART, BYRD, HRUSKA, RIBICOFF, and SCOTT.

Mr. JAVITS. Has it been cleared with Mr. PERCY, the ranking member?

Mr. MANSFIELD. I shall trust the Senator from New York to get him.

Mr. JAVITS. I shall not object. I just wanted to know that.

Mr. MANSFIELD. I thank the Senator.

FEDERAL ELECTION CAMPAIGN ACT AMENDMENTS OF 1976

The Senate continued with the consideration of the bill (S. 3065) to amend the Federal Election Campaign Act of 1971 to provide for its administration by a Federal Election Commission appointed in accordance with the requirements of the Constitution, and for other purposes.

Mr. CRANSTON. I yield to the Senator from Oklahoma for a unanimous-consent request.

Mr. BARTLETT. I ask unanimous consent that Don Cogman of my staff be accorded privileges of the floor during consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The amendment will be stated.

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share the Senator's view that somehow the money that goes through the Senatorial Campaign Committee or the Congressional Campaign Committee is as pure as the driven snow, and the money that comes from individuals who participate in labor is tainted or business money is tainted.

Mr. JOHNSTON. It is not that it is tainted. It is that they have a special point of view and they give their money to promote candidates who share that point of view.

Mr. CLARK. I assume if that were the only criterion, the Democratic Committee gives it to candidates that share their view and the Republicans give it to candidates that share their view.

Mr. JOHNSTON. No, that is not so, because any member of the Democratic Caucus, regardless of his view, even if at times it strays from the majority, is entitled to his share of the money.

Mr. CLARK. But it is a Democratic view. They are not giving money to anybody but Democrats or they are not giving money to anybody but Republicans.

Mr. JOHNSTON. That may be so, but that, I submit, is under our system of government which, in effect, has enshrined the two-party system. That is permissible and that is the kind of taint, if the party puts a taint on money, that our system of government envisions and endorses and has run on traditionally. No one out there in America can say because a party gives someone money that there is anything wrong with that. That is traditional American politics.

Mr. CLARK. I think what the amendment does and what it says is quite clear. I would like the Senator from Louisiana to correct me if I am wrong. Every single committee in the United States that falls under this law would have a \$5,000 limitation on the amount that they can contribute, with two exceptions carved out by this amendment: The national committees of the two major parties and the congressional and senatorial committees of the two major parties. In those cases they would be allowed to give \$20,000 in direct cash plus, in accordance with the present law, the national party committees would be allowed to spend a minimum of \$20,000 on their behalf.

That means that we are going to arrive at a conclusion where the two national committees can now spend an aggregate of \$40,000, \$20,000 indirect and \$20,000 direct, \$40,000 minimum. In those States where two cents a voter amounts to more than \$20,000, they would be able to spend in excess of that.

Mr. JOHNSTON. Will the Senator yield for a question?

Mr. CLARK. Yes.

Mr. JOHNSTON. How much can those sources now spend, assuming there is a primary, a runoff, and a general election?

Mr. CLARK. First of all, let us assume that the primary, runoff, and general election do not occur in at least half of the races in America. We have never had a runoff, to my knowledge, in any place in my part of the country. I do not think one can assume that one automatically gets \$5,000 in three elections. I think on the average there will be two elections, and on some occasions three elections.

That is direct money. What the Senator is suggesting is that in those cases where there is a primary and a general election we would be able to double that to \$20,000. I think it only means the introduction of bigger money into politics and greater cynicism about it, particularly when we are doing it for ourselves, particularly when we are doing it to our own committees.

As I say, we debated this at length 2 years ago. Maybe the Senate feels differently about it now, but I feel very strongly that if we were to say that our committees ought to be different, that we ought to be able to give \$20,000 instead of \$5,000, we would come in for a great deal of justifiable criticism.

Mr. JOHNSTON. Mr. President, just one final word. I believe the amendment is well understood. I would like to simply point out that the \$20,000 the National Committee may now spend on behalf of a candidate is not inserted by this amendment. That is not changed by this amendment. All this amendment does is increase basically for the senatorial campaign committees from an aggregate of \$15,000 in case there are the three elections to a total of \$20,000 for however many elections there are.

I submit that when we say we are doing it for ourselves, what we mean is that we are doing it for any candidate for national office, whether he be a congressional candidate or a senatorial candidate. In that sense, this is not a club amendment, if one wants to call it that. It is not for incumbents; it is for any candidate that the committee may give money to.

Mr. ALLEN. Will the Senator yield?

Mr. JOHNSTON. Yes, I will yield.

Mr. ALLEN. This would cover primaries and run-off primaries as well, would it not?

Mr. JOHNSTON. That is correct. Under the present law, the campaign committee can give \$5,000 for the primary, \$5,000 in a run-off, and then another \$5,000 in the general election, which is a total of \$15,000. What this would allow is to give the committee some flexibility. If the Senator's tough race is the general, he could withhold the whole \$20,000 until that time.

Mr. ALLEN. How often do either of the committees contribute to a challenger of an incumbent?

Mr. JOHNSTON. In the case of the Democratic Committee that is not done.

Mr. ALLEN. In other words, this, then, is just for the benefit of incumbents; is that not right?

Mr. JOHNSTON. It would also apply to the challengers, I mean in those cases where an incumbent is beaten and a new incumbent is elected.

Mr. ALLEN. That is right; in other words, in general elections. But through the primaries, first and second, it would be the incumbent who was taken care of. I have no objection to taking care of incumbents, but—

Mr. JOHNSTON. Except in cases where you have no incumbents, as in the case of retirees.

Mr. ALLEN. But where there is an incumbent, there would be no impediment

to any incumbent receiving funds, in the general election or primary, either one.

Mr. JOHNSTON. The Senator is correct in the point he makes, in the sense that that is the standard operating procedure under which we have operated, and I see no movement to change it. But the Senator is correct in the point he makes.

Mr. ALLEN. I just want us to understand what we are voting on. As long as the incumbent is in the picture, he is the one who gets the benefit of the increased amount.

Mr. JOHNSTON. Not just the incumbent.

Mr. ALLEN. I say, as long as the incumbent is in the picture, though, he would be the one to really benefit.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. JOHNSTON. I yield to the Senator from Ohio.

Mr. ALLEN. But is that not true?

Mr. JOHNSTON. Yes; the Senator is correct.

Mr. TAFT. Is it not true that that depends upon what the committee involved desired to do? If the committee involved desired to make other rules, it could make other rules as to the distribution of those donations.

Mr. JOHNSTON. That is correct. There is no rule that specifies how a national committee or a senatorial committee is going to spend its money.

Mr. TAFT. Well, the Senator is not entirely correct. The Republican senatorial committee does have certain rules.

Mr. JOHNSTON. Well, yes.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. JOHNSTON. I yield.

Mr. CLARK. I would like to ask the Senator if his amendment would allow the national committee to give more money to a Presidential campaign. Does it increase the limit that may be given to a Presidential candidate?

Mr. JOHNSTON. I do not believe so. It is not intended to, and I do not believe that the phraseology is subject to that interpretation.

Mr. CLARK. That is the way I would interpret it. Therefore, I wonder if this would not be interpreted, and quite accurately, as an amendment aimed only at helping Senators and Members of Congress. The Senator seeks to permit those national committees to give us more, but not the President more. We are not raising the amount the national committee can give to a President; that remains the same.

Mr. JOHNSTON. That is correct.

Mr. CLARK. So it seems to me all we are doing is saying we want to funnel a lot more money into Senate and congressional campaigns through giving the national committee a separate contribution limitation, and the same with the campaign committees. I do not see how it could be interpreted except that way, as a means of getting more money into our own congressional campaigns.

I think, as the Senator from Alabama has emphasized, it is merely a means of

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Senate Fight Develops Over Intelligence Unit

By Walter Pincus

Washington Post Staff Writer

The resolution establishing a new Senate Committee on Intelligence Activities, which originally had been scheduled to pass the Senate this week, has run into unexpected trouble from two powerful Senate committees.

At issue is the giving of exclusive jurisdiction over intelligence agencies, such as the FBI and Central Intelligence Agency, to the new committee.

Last week, after some backstage maneuvering, the resolution was sent to the Senate Judiciary Committee with an agreement that the committee would make its recommendations by March 29.

Judiciary, under the resolution as approved by the Government Operations Committee last month, is scheduled to lose all authority over FBI intelligence operations.

According to Judiciary Committee sources, a move will be made this week by Sen. Roman Hruska (R-Neb.) and others to take back the FBI from the jurisdiction of the new committee and return it to the exclusive control of Judiciary.

Today, the Senate Foreign Relations Committee is scheduled to discuss the impact of the new committee on its jurisdiction. A staff study, circulated to Foreign Relations Committee members, suggested the committee may be blocked from getting CIA witnesses in the future because exclusive jurisdiction over the agency

has been given to the new committee by the proposed resolution.

The Foreign Relations Committee would also be required to give up to the new committee all jurisdiction over the State Department's bureau of intelligence and research.

"We don't want to have some bureaucrats or the White House telling us CIA or the State Department does not have to come and talk about intelligence matters," a committee aide said yesterday.

A third Senate committee, Armed Services, has yet to hold a meeting on its loss of jurisdiction.

Two members, Sens. John Tower (R-Tex.) and Barry Goldwater (R-Ariz.), have questioned how the military intelligence authority can be divided between Armed Services and the new committee as proposed in the resolution.

To date, however, Armed Services Chairman John C. Stennis (D-Miss.) has refused to discuss the matter, though his committee's loss of control over CIA and other intelligence functions has been pointed out to him. "This is not slipping by Sen. Stennis out of ignorance," one staff member said yesterday.

Supporters of the proposed intelligence committee see the opposition of the Judiciary Committee as the most serious that has arisen.

In 1973, Judiciary set up a special FBI oversight subcommittee. It had a staff of only one, and in its first year handled only one bill,

to provide a 10-year term for the FBI director. Thereafter it became moribund while the Senate intelligence committee took over investigation of the FBI.

This past January, Judiciary Committee Chairman James O. Eastland (D-Miss.) failed to ask for funds to mittee. The subsequent disbanding of the FBI subcommittee was used in the Government Operations Committee markup as the main argument for giving the new intelligence committee jurisdiction over the FBI.

Hruska's move to regain jurisdiction has the support of Attorney General Edward H. Levi, who wants the FBI oversight held in only one committee, rather than split in two.

A Judiciary Committee source said yesterday a compromise of concurrent jurisdiction was expected when the resolution goes to the Rules Committee for final review.

Under current plans, the resolution is expected to be reported to the Senate floor by April 5.

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EXECUTIVE COMMUNICATIONS

The pertinent legislative reports of the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations relating to H.R. 4941 are set forth below:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., February 4, 1976.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your request for the views of this Department on H.R. 4941, a bill as it passed the House of Representatives, "For the relief of Oscar H. Barnett."

We recommend that the bill be enacted. H.R. 4941 would authorize the Secretary of the Interior to convey to Oscar H. Barnett, by quitclaim deed or by other appropriate instrument, without consideration, all right, title, and interest of the United States to a certain tract of land in Leake County, Mississippi.

Our records indicate that on December 18, 1922, C. W. Triplett, Jr., and his wife purposed to convey the 20-acre tract described in the bill to the United States for use as a day school for the Choctaw Indians. The consideration to be paid for the conveyance was to have been \$500.00.

Through a misunderstanding of the desires of the Department of the Interior, the grantors had the deed recorded on December 30, 1922, among the county records of Leake County, Mississippi, before it had been submitted to the Department of the Interior for approval. In fact, the recommendation made by the Commissioner of Indian Affairs on May 4, 1923, to the Secretary of the Interior was that the deed of conveyance not be accepted. On May 5, 1923, the Secretary approved the recommendation of the Commissioner of Indian Affairs, and, thus the deed of conveyance was not approved.

In order for the conveyance to have been effective, it was necessary for it to be approved by the Department of the Interior. Since there was no such approval, title did not pass and the United States acquired no interest in the land described in the bill. The Bureau of Indian Affairs in fact acquired a nearby tract of land on which it established a day school for the Choctaw Indians. Accordingly, this Department has no interest in the land involved in this bill.

We understand that Mr. Barnett has owned the 20-acre tract since 1953. We have no objection to enactment of H.R. 4941 which would remove any clouds on Mr. Barnett's title that may have been caused by the confused transactions in the 1920's.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,
JOHN KYL,
Assistant Secretary of the Interior.
CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill, as reported.

ORDER FOR ADJOURNMENT TO
MONDAY, APRIL 5, 1976

MR. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 12 o'clock noon on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

MR. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATE DEPARTMENT

The legislative clerk read the nominations, reported earlier today, of Thomas S. Gates, Jr., of Pennsylvania, Chief of the U.S. Liaison Office of Peking, People's Republic of China, with the rank of Ambassador; Fred O. Pinkham, of Connecticut, to be an Assistant Administrator of the Agency for International Development; Christian A. Herter, Jr., of New Mexico, to be an Assistant Administrator of the Agency for International Development; David S. Smith, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Sweden; W. Beverly Carter, Jr., of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Liberia; William A. Anders, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Norway; and Richard J. Bloomfield, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ecuador.

MR. MANSFIELD. Mr. President, I ask unanimous consent that these nominations, which were approved unanimously by the Foreign Relations Committee, be considered en bloc.

The PRESIDING OFFICER. The nominations are considered and confirmed en bloc.

MR. MANSFIELD. Mr. President, I request that the President be notified.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

MR. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MR. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

MR. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER GRANTING PERMISSION TO
THE BUDGET COMMITTEE TO
FILE ITS REPORT BY MIDNIGHT,
APRIL 3, 1976

MR. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate Budget Committee be granted authority until midnight Saturday, April 3, to file

its report on the First Concurrent Budget Resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HASKELL ON APRIL 5 AND APRIL 6, 1976

MR. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders or their designees have been recognized under the standing order on Monday and Tuesday next, Mr. HASKELL be recognized for not to exceed 15 minutes on each of both days.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 400—TO ESTABLISH A STANDING COMMITTEE OF THE SENATE ON INTELLIGENCE ACTIVITIES, AND FOR OTHER PURPOSES—ORDER GRANTING AUTHORIZATION TO RULES COMMITTEE TO FILE ITS REPORT BY APRIL 30, 1976

MR. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Rules and Administration have until April 30 to file its report on Senate Resolution 400. May I say that this was unanimously agreed to in the Democratic Conference today. It meets with the approval of all the concerned parties and, I think, in view of the circumstances which have developed that it is in the best interests of this legislation to do so in this manner at this time.

The PRESIDING OFFICER. Is there objection?

MR. PERCY. Mr. President, reserving the right to object, I should simply like to ask the majority leader a question, preceded by a very brief comment.

We all very much want meaningful legislation for oversight in the intelligence agency, some of us just more recently than the distinguished majority leader who, for two decades, has felt the need and seen the necessity with great foresight, but we feel we need to improve oversight by the Congress; we need to reduce proliferation of committees to which intelligence agencies must report and, certainly, try to bring down the amount of time that the director of CIA is required to appear before Congress.

Mr. Colby in 3 years spent 60 percent of his entire time appearing before Congress or testifying, preparing for it or cleaning up afterwards.

So I would ask that if this extension of time is granted what the intentions of the leadership are with respect to the priority that this matter may have when once reported out by the Committee on Rules, and I would like to also comment that I am fully conversant with why the Committee on Rules needs this extra time. The time that the Committee on Rules took in the budget reform legislation saved the Congress, saved the Senate, months of debate and time, improved the legislation dramatically, and I feel

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property and preserve its historical significance.

LEGISLATIVE HISTORY

H.R. 1466 was introduced by the late Representative Jerry Pettis on January 15, 1975, and passed the House on October 6, 1975. The Subcommittee on the Environment and Land Resources conducted a hearing on this proposal on February 26, 1976. The Department of the Interior recommended the enactment of H.R. 1466; no opposition to the measure was expressed.

COMMITTEE RECOMMENDATION

The Senate Committee on Interior and Insular Affairs, in open business session on March 23, 1976, by unanimous vote of a quorum present, recommends that the Senate pass H.R. 1466, without amendment.

COST

Enactment of H.R. 1466 will not result in any expenditure of Federal funds.

EXECUTIVE COMMUNICATIONS

The pertinent legislative reports of the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations relating to H.R. 1466 are set forth below:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., February 17, 1976.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your request for the views of this Department on H.R. 1466 in the Senate, a bill "To convey certain federally owned land to the Twenty-nine Palms Park and Recreation District."

We recommend that H.R. 1466 be enacted.

H.R. 1466 conveys one acre of land, more or less, located in the small town of Twenty-nine Palms, California, to the Twenty-nine Palms Park and Recreation District. This parcel was set aside over 60 years ago as a cemetery for Indians of the Twenty-nine Palms Band of Mission Indians. The cemetery contains remains of the ancestors of the Twenty-nine Palms members having Cheme-huevi blood.

Under section 2, the land conveyed by the bill shall be used only as an Indian cemetery and historical museum site for the public, or else title shall revert to the United States Government.

In 1911, under the authority of the Act of January 12, 1891 (26 Stat. 712), for the relief of the Mission Indians in the State of California, the United States purchased the property by warranty deed from the Southern Pacific Railroad Company. The deed shows \$5.00 as the purchase price. This land is presently administered by the Bureau of Indian Affairs.

The Twenty-nine Palms Band of Mission Indians is not located in the area, and does not have the means to maintain the cemetery plot; therefore, the band is in favor of conveyance of the cemetery to the Twenty-nine Palms Park and Recreation District so that the cemetery may be preserved. This district is a political subdivision of the local government and has agreed to assume the responsibility for the cemetery. Upon conveyance of the tract, the Twenty-nine Palms Park and Recreation District plans to remove a stone house from private land and reconstruct the building on this site to be used as an Indian museum to preserve Indian artifacts. The site itself would be of historical interest to the general public and would be carefully preserved.

The appraised value of the cemetery site is \$500. Although the district is not in a position to expend any funds to purchase the site, if it received such land by convey-

ance it will beautify the property and preserve its historical significance.

The Indians' desire is to have this sacred burial ground of their ancestors protected from adverse use. With respect to the wishes of the Band, and in order to protect this cemetery site and its historical significance, we recommend that H.R. 1466 be enacted.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration program.

Sincerely yours,

MORRIS THOMPSON,
Commissioner of Indian Affairs.

EXECUTIVE OFFICE OF THE
PRESIDENT, OFFICE OF
MANAGEMENT AND BUDGET,
Washington, D.C., February 27, 1976.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your requests for the views of the Office of Management and Budget on the following bills:

1. S. 101, a bill "To direct the Secretary of the Interior to convey certain lands in Geary County, Kansas, to Margaret G. More" (requested January 16, 1976);

2. S. 155, a bill "To authorize the Secretary of the Interior to convey all right, title and interest of the United States in and to a tract of land located in Scotts Bluff County, Nebraska, to Robert L. Summerville of Scotts Bluff County, Nebraska" (requested January 23, 1976);

3. S. 301, a bill "Relating to lands in the Middle Rio Grande Conservancy District, New Mexico" (requested July 31, 1975);

4. S. 1365, a bill "To authorize the Secretary of the Interior to convey to the city of Haines, Alaska, interests of the United States in certain lands" (requested June 12, 1975);

5. S. 2004, a bill "To eliminate a restriction on use of certain lands patented to the city of Hobart, Klawns County, Oklahoma" (requested January 23, 1976);

6. S. 2266, a bill "To amend the Act of June 9, 1906, to provide for a description of certain lands to be conveyed by the United States to the city of Albuquerque, New Mexico" (requested January 23, 1976);

7. S. 2786, a bill "For the relief of the city of Yakutat, Alaska" (requested January 23, 1976);

8. S. 2837, a bill "To amend the Act of August 30, 1890, to except a tract of ground located in Carbon County, Wyoming, from its restrictions" (requested January 23, 1976); and,

9. H.R. 4941, an Act "For the relief of Oscar H. Barnett" (requested January 23, 1976).

The Office of Management and Budget concurs in the views of the Department of the Interior in its reports on these bills, and accordingly: (a) we oppose the enactment of S. 101, S. 155, S. 301, and S. 2837; (b) we have no objection to the enactment of S. 1365 and S. 2266 if amended as suggested by the Department; (c) we oppose the enactment of S. 2004 and S. 2798, although we have no objection to enactment of the Department's substitute bills; and, (d) we recommend enactment of H.R. 4941.

Sincerely yours,

JAMES M. FREY,
Assistant Director for
Legislative Reference.

CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by H.R. 1466, as reported.

OSCAR H. BARNETT

The bill (H.R. 4941) for the relief of Oscar H. Barnett, was considered, ordered to a third reading, read a third time, and passed.

Mr. ROBERT C. BYRD, Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 94-730), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to authorize the Secretary of the Interior to convey by quitclaim deed or by other appropriate instruments, and without consideration, to Oscar H. Barnett, all right, title and interest of the United States in a 20-acre tract of land located in Leake County, Miss., described as the south half of northwest quarter of northwest quarter, section 25, township 11 north, range 7 east of the Choctaw Meridian in Leake County, Miss.

BACKGROUND AND NEED

Department of the Interior records indicate that in 1922, C. W. Triplett, Jr., and his wife purported to convey a 20 acre tract of land to the United States for use as a day school for the Choctaw Indians. The consideration to be paid for the conveyance was to have been \$500.00.

Through a misunderstanding of the desires of the Department of the Interior, the grantors had the deed recorded in the county records of Leake County, Mississippi, before it had been submitted to the Department of the Interior for approval and acceptance. In fact, the Commissioner of Indian Affairs had recommended against approval of the deed of conveyance. The Secretary concurred with the recommendation of the Commissioner of Indian Affairs and the deed was not approved.

Title did not pass, and the United States acquired no interest in the land. Instead, the Bureau of Indian Affairs acquired a nearby tract of land on which it established the day school. Accordingly, the Department of the Interior has no interest in the 20 acre tract which is the subject of H.R. 4941.

The Department of the Interior has indicated its understanding that Mr. Barnett has owned the land since 1953 and that the Department would have no objection to enactment of H.R. 4941.

The legislation would remove a cloud on Mr. Barnett's title to the land, which was created by the attempted conveyance to the United States by C. W. Triplett, Jr., and his wife. It would not involve payment of any government funds and the government would not be required to warrant title.

LEGISLATIVE HISTORY

H.R. 4941 was introduced by Congressman Montgomery on March 13, 1975, and passed the House on December 16, 1975. The Subcommittee on the Environment and Land Resources conducted a hearing on H.R. 4941 on February 26, 1976. The Department of the Interior recommended the bill's enactment; there was no opposition to the measure.

COMMITTEE RECOMMENDATION

The Senate Committee on Interior and Insular Affairs, in open business session on March 23, 1976, by unanimous vote of a quorum present, recommends that the Senate pass H.R. 4941, without amendment.

COST

Enactment of H.R. 4941 will not result in any expenditure of Federal funds.

April 1, 1976

CONGRESSIONAL RECORD—SENATE

S 4861

that this legislation is subject to further strengthening.

But I would only be concerned at the length of time that would elapse, and whether or not it would be a matter treated as a priority matter.

Mr. MANSFIELD. The Senator is absolutely correct. The Rules Committee did a stupendous job on the budget legislation and because of the time it took and the care it showed we have a good budget committee at the present time which is making its weight felt and is doing an exceedingly good job.

I approve without equivocation this proposal which I made to extend the time of the committee to file its report because, on the basis of the facts explained in the Democratic Conference this morning, and there was no other alternative, and the idea is to do a good, thorough, and complete job.

As far as the Democratic majority leader is concerned, as soon as it is reported out it is his intention, in conjunction with the distinguished Republican leader, to call the legislation up as soon as possible.

Mr. PERCY. Mr. President, I would only like to call to the attention of the Senate that just yesterday in the Rules Committee George Bush, Director of the CIA, urged Congress to "concentrate oversight of foreign intelligence activities."

Here is the man responsible for carrying out this function, he has just been overwhelmingly confirmed by the Senate. I think he is deeply concerned about a continuing proliferation of oversight responsibilities. So I would hope that as the various committees looked at this matter they would not be parochial. I serve on the Foreign Relations Committee, we have an oversight responsibility, and we set the budget for a segment of the intelligence activities of the State Department.

Speaking as one Member, I would be perfectly willing to give up and relinquish that responsibility for budgetary matters, with the assurance that the State Department, the CIA, would fully produce the end result of intelligence, and the Department of Defense, whenever the Foreign Relations Committee, the Armed Services Committee, the Judiciary Committee, and that would include also the FBI, so that any of those committees would have available to them the end product of intelligence.

But if we all retain our prerogatives to set the budgetary levels for these various activities and we do not delegate that to the Intelligence Oversight Committee essentially then I think we have just simply proliferated a problem. We have scattered our responsibility, and we have added another layer on top of another burdensome layer of committees that now number 8, and we would increase it to 10, and instead of working toward a responsible delegation of authority we would be working the other way.

But with the assurance given by the majority leader, the Senator from Illinois has no objection to the unanimous consent request that has been made.

Mr. MANSFIELD. Mr. President, in further response to the statement raised by the distinguished Republican member

of the Government Operations Committee I would like to make a unanimous-consent request.

ORDER AUTHORIZING CALLING UP
SENATE RESOLUTION 400 ON
MAY 6, 1976

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the legislation is reported from the Committee on Rules on April 30 that it be in order for the leadership to call it up on May 6, which will comply with the 3-day rule and make allowances for the weekend.

Mr. PERCY. The Senator from Illinois would be very gratified.

Mr. MANSFIELD. I make that request, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered. All requests are in order.

Mr. RIBICOFF. Mr. President, I commend the majority leader for his consistent position that the time has come to have proper oversight of the intelligence community. The majority leader has been in back of the church committee's position and the Government Operations Committee's position from the start.

The Government Operations Committee, under mandate from the Senate to report back its action by March 1, was able to do so by February 24, and I want to commend the Senator from Illinois, the junior Senator from Connecticut, and the entire membership of the Government Operations Committee for its hard work both at the hearings and the markup to get this bill out in time. But I do recognize that the Rules Committee was up against a peculiar set of circumstances. They were supposed to have reported back by March 20, but during this intervening period they were engaged on the floor of the Senate in a continuous debate on the Federal Election Commission matter, and it was impossible for the Rules Committee to be on the floor managing that important piece of legislation, and having hearings on this oversight matter.

We also should take into account that the Senate will go into recess on the 14th and return on the 26th, so there will be a period of 2 weeks in which nothing can be done.

I am confident, after conversations with Senator CANNON and Senator ROBERT C. BYRD that they will do everything they can to expedite the matter. It is only fair that they be given this extra time until the 30th of April to work out their thinking and complete their hearings. Under the circumstances, it is a fair request, and I hope the Senate will go along with the request.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. PERCY. Mr. President, I commend the distinguished Senator from Connecticut for the way in which the hearings were conducted, for the way the committee held to the schedule that was originally established. Every Senator was heard, every issue was fully aired, and all the discussions and markup were in open session, so that everyone could observe what was being done.

A commendable job was done once again by the distinguished chairman of the Committee on Government Operations, helped in invaluable fashion by the distinguished Senator from Connecticut (Mr. WEICKER), whose expertise and experience in this matter and whose deep-felt feeling go back several years. His experience proved invaluable to the committee in moving us forward to the point that we ultimately reached.

Mr. WEICKER. Mr. President, reserving the right to object insofar as the official unanimous-consent request is concerned, I should like to say a few words.

First, I wish to make it clear that what follows is not in any way directed toward my distinguished colleague from Connecticut, Senator RIBICOFF, who in every way, both in the sense of personal commitment and in the sense of being the chairman of one of our standing committees, has devoted himself to reporting a bill.

Neither do the remarks that follow apply to the distinguished majority leader, who has been in the forefront of the fight for oversight; nor to the Senator from Illinois (Mr. PERCY). But I have a few things to get off my chest, and I am going to go ahead and say them before agreeing to this unanimous-consent request and another delay.

On March 1, the Committee on Government Operations reported Senate Resolution 400 to the full Senate with a recommendation that a permanent standing Senate Committee on Intelligence Activities be established.

We all know the list of abuses and trampled constitutional rights which precipitated this action. I will not repeat them. I will only remind the Senate that these transgressions were not committed by our foreign intelligence agencies alone but also, by our domestic law enforcement and investigative agencies—the FBI and the IRS. I will only remind the Senate that these transgressions were not an aberration or one shot deal. They had become standard operating procedures.

The lesson is that accountability cannot be assured without an accounting process. Congressional oversight is that process in a democracy. Oversight that has constancy, purpose, and legislative power—oversight that is a primary not a secondary responsibility. Oversight that is no longer conducted by a select few whose seniority imposed responsibilities compete for time and attention, but oversight by those who have the time and interest that protecting the Constitution always demands. This is what was called for yesterday—not tomorrow.

By their very nature, intelligence collection and democracy are incompatible partners. Especially for this reason legislative accountability is mandatory. Not accountability at the whim of Presidents, Senators, or Directors of the CIA but by law.

Some would argue that we are overreacting to the heat of the times. I would respond by saying that we have sat on our CIA's and FBI's long enough. Senator BAKER and I introduced similar legislation 1½ years ago. Indeed, the dis-

tinguished majority leader first proposed a standing oversight committee two decades ago. Had Senator MANSFIELD been successful in his earlier endeavors, our country might have been spared the recent fiasco of these necessary intelligence and law enforcement agencies.

The task which is before the Senate is an urgent one. It extends beyond the protection of certain institutions of the Senate and the empires of certain of its Members. No entity of government in America can survive without the backing of the American people. If you believe in the CIA, FBI, and so forth we had best clean up their act and our own.

I would hope my colleagues would respond to the tragedies of the past 3 years with meaningful report. We did not have a nightmare. It happened.

So rather than wait for a lapse of national memory and a tragic encore—please let us act to secure the future.

I do not fault the Rules Committee. They have the misfortune of being the last act of the stage of delay. Their request is legitimate and so I support them.

But to those who believe this all too will pass—my response is, do not bet on it.

They have the misfortune of being the last act on the stage of delay. And their request is legitimate, so I support them. To those who believe this all, too, will pass, my response is, "Do not bet on it."

Mr. President, I yield the floor. I shall not object. Once again, I express my deep appreciation to my senior colleague from Connecticut (Mr. RIBICOFF) and for the foresight supplied by the majority leader (Mr. MANSFIELD).

I think, also, it has to be said here this evening that we can sit here and debate on the smallest of points and consume days on picayune matters. And when it comes to the defense of the Constitution and assuring that our kids will have the advantages of a Constitution that gave to us all that we have, apparently we neither have the time nor the attendance to pay much attention.

Mr. RIBICOFF. Will my colleague yield at that point?

Mr. WEICKER. I yield to my distinguished colleague.

Mr. RIBICOFF. I say to the Senate that we should appreciate the concern of the junior Senator from Connecticut. His position has been consistent throughout the consideration of this proposal and similar proposals during his entire term in the Senate. During the hearings, my colleague from Connecticut expressed, time and time again, his continuing concern that if we did not pass, during this session of Congress, a proposal setting up a new oversight committee in the field of intelligence, the matter would die and there would be no oversight committee established. I agree with him. There are those in the executive branch and in this body who would prefer that we not have an oversight committee on intelligence. But it must be clear to all of us, in view of Watergate and in view of the findings of the Church committee, that is abso-

lutely essential that this body assume the responsibility of establishing an oversight committee that can really do the job.

I was at the Committee on Rules this morning and I listened very carefully to the questions being asked by the distinguished Senator from West Virginia of Senator CHURCH. I listened to the colloquy. The questions raised by the Senator from West Virginia were pertinent questions.

The Senator from West Virginia did point out weaknesses in our resolution. Although we reported out that resolution unanimously, I do recognize the potential trouble and doubt. I have the utmost confidence that our majority whip will address himself to this piece of legislation as he did to the establishment of the Committee on the Budget. We did a lot of work on the Committee on the Budget in the Committee on Government Operations and it was an improved bill when it came out of the Committee on Rules.

I am confident that the Committee on Rules will apply itself with deep concern. I am satisfied that when this resolution reaches the floor and the Senate works its will, it will be a good bill, setting up a strong and effective intelligence oversight committee.

I again commend my colleague from Connecticut, who has been a consistent and strong fighter for the cause of civil and personal liberties. I hope that when the bill is reported out from the Committee on Rules, we shall be able to have the support of the Committee on Government Operations in its entirety for the proposal that comes out of the Committee on Rules.

I am sure that our respective staffs and ourselves will be working with the Committee on Rules to try to fashion a measure that can have the support of the overwhelming majority of the U.S. Senate.

Mr. WEICKER. I thank the distinguished Senator.

Mr. ROBERT C. BYRD. Mr. President, I want to express appreciation on behalf of the chairman of the Committee on Rules (Mr. CANNON) and on behalf of myself and others of that committee to the distinguished Senator from Connecticut (Mr. RIBICOFF). That appreciation is not only for his expressions of commendation with reference to the efforts that the committee is making in the course of its hearings on the bill, and which it will be making in the course of the subsequent markup to develop legislation that will have broad-based support—hopefully, we can do that—but also for his expression of faith and confidence in those of us on that committee.

At the same time, I want to commend him and the members of the Committee on Government Operations for the excellent work that they have done, not only in connection with this resolution, but also in connection with the Budget Reform Act, which originated in the Committee on Government Operations. That act was a very complex one, and I stated at the time it was being debated on the floor that if, indeed, it worked, it would constitute one of the

most important pieces of legislation, one of the most salutary landmarks in the legislative process that had occurred in my quarter of a century of service in the Congress of the United States.

I should like to think the same about Senate Resolution 400. I am impressed by the desire for cooperation and working together on the part of all whose assistance is going to be needed as we develop this piece of legislation. I believe confidently that, with the help of Senator RIBICOFF, Senator PERCY, Senator WEICKER, and Senator CHURCH, and other Senators—Senator HUDDLESTON, Senator NUNN, and others—I could continue to name them, but I shall simply say all of those who have been principals in the development of this legislation thus far and the chairmen of the committees that will be affected: I believe that all of us, working together, our staffs and ourselves, with the Committee on Rules will insure that the legislation that finally comes out of that committee will represent a composite viewpoint that is really a consensus of the various parties joining in the effort and will help us to have that broadbased support that I referred to earlier.

It is a complex piece of legislation and, as Senator RIBICOFF has very ably stated, it has several areas of concern to many of us. I believe that reasonable men can come together and work together and produce a product that will be effective and workable and will constitute something of which we all, at the end, can be proud.

SELECT COMMITTEE TO STUDY THE SENATE COMMITTEE SYSTEM

Mr. MANSFIELD. Mr. President, under the provisions of Senate Resolution 109, I ask that the following Democratic members be appointed to the temporary Select Committee to Study the Senate Committee System, on the basis of the resolution passed on yesterday.

The PRESIDING OFFICER. The Chair, on behalf of the President of the Senate, appoints the following Senators: Senator METCALF, Senator NELSON, Senator STEVENSON, Senator BENTSEN, Senator CHILES, and Senator NUNN to the Select Committee to Study the Senate Committee System.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS AND FOR CONSIDERATION OF S. 3136 ON MONDAY, APRIL 5, 1976.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday, after the orders for the recognition of Senators have been consummated, there be a period for the transaction of routine morning business, with statements limited therein to 5 minutes each, such period not to extend beyond the hour of 1 o'clock p.m.; after which, the Senate will proceed to the consideration of Calendar Order No. 665, S. 3136, a bill to reform the Food Stamp Act.

The PRESIDING OFFICER. With no objection, it is so ordered.